

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 NEVADA SAND CASTLES, LLC, )  
4 )

5 Plaintiff, )

6 vs. )

Case No.: 2:15-cv-00588-GMN-VCF

ORDER

7 GREEN TREE SERVICING LLC; )  
8 RECONTRUST COMPANY, N.A.; BANK )  
9 OF AMERICA, NA; PRLAP, INC.; DOES I )  
10 THROUGH X, inclusive; ROE BUSINESS )  
11 ENTITIES I THROUGH X, inclusive, )

12 Defendants, )

13 And )

14 FEDERAL NATIONAL MORTGAGE )  
15 ASSOCIATION; and FEDERAL HOUSING )  
16 FINANCE AGENCY, as Conservator of )  
17 Federal National Mortgage Association, )

18 Intervenor. )

19 FEDERAL NATIONAL MORTGAGE )  
20 ASSOCIATION; FEDERAL HOUSING )  
21 FINANCE AGENCY, as Conservator of )  
22 Fannie Mae, )

23 Counterclaimants, )

24 vs. )

25 NEVADA SANDCASTLES, LLC, )

Counter-Defendant. )

Pending before the Court is the Motion to Reopen Time to File an Appeal, (ECF No. 72), filed by Plaintiff Nevada Sand Castles, LLC ("Plaintiff"). Defendant Green Tree

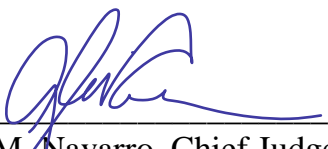
1 Servicing, LLC (“Defendant”) and Intervenor Federal Housing Finance Agency (“FHFA”) and  
2 Federal National Mortgage Association (“Fannie Mae”) (collectively “Intervenor”) filed a  
3 Response, (ECF No. 74).

4 In its Motion, Plaintiff argues that “Plaintiff was not served with notice of the entry of  
5 order or judgment . . . [and] has yet to receive any such notice.” (Mot. to Reopen Time to File  
6 an Appeal 2:20–22). However, the Court’s records show that Plaintiff’s counsel at the time of  
7 the entry of order and judgment did in fact receive both the order and the judgment. Although  
8 Plaintiff’s current counsel is different than the counsel who received the order and judgment,  
9 the Court effectively issued notice as required by this Circuit. *See Mitchell v. United States*, 331  
10 F. App’x 511 (9th Cir. 2009) (stating that when counsel is registered with the court’s electronic  
11 filing system, and a judgment is entered on such a system, the court has sufficiently provided  
12 notice of a judgment pursuant to Federal Rule of Civil Procedure 77(d)). The potential  
13 miscommunications amongst substituting counsel does not trigger the reopening of time to file  
14 an appeal under Federal Rule of Appellate Procedure 4(a)(6).<sup>1</sup>

15 Accordingly,

16 **IT IS HEREBY ORDERED** that Plaintiff’s Motion to Reopen Time to File an Appeal,  
17 (ECF No. 72), is **DENIED**.

18 **DATED** this 10 day of October, 2017.

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22 \_\_\_\_\_  
23 Gloria M. Navarro, Chief Judge  
24 United States District Judge

25 <sup>1</sup> If Plaintiff is arguing that Plaintiff itself was denied service rather than Plaintiff’s counsel, the Court finds that that argument lacks merit. *See* Fed. R. Civ. P. 5(b)(1) (“If a party is represented by an attorney, service under this rule must be made on the attorney unless the court orders service on the party.”).